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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HESELTIME, RYAN J

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/517,163	Applicant(s) HINOUE ET AL.	
	Examiner Ryan J Hesseltine	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 103(a) rejection of claim 14.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 14.

Claim(s) rejected: 1-4, 6-13, 15 and 16.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☒ Other: Interview summary dated July 21, 2004.

JINGGE WU
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: On page 2, last paragraph with respect to claim 1, applicant states, "the combination of Fitzpatrick and Lambert does not teach, among other things, a display means that concurrently acquires a secret number and a fingerprint." The examiner respectfully disagrees. Lambert clearly discloses concurrently capturing a fingerprint and a secret number (password) using a keypad including biometric sensors (column 14, line 53-column 15, line 6), and in one embodiment it is disclosed that the keypad is transparent (column 13, line 62-column 14, line 6). Fitzpatrick clearly shows an interactive touch screen display including a multi-point touch-sensitive surface that detects contact at given points (coordinates) and also reads and recognizes fingerprints of the user (column 4, line 3-26). The examiner realizes that Fitzpatrick does not disclose that the display concurrently acquires a secret number and fingerprint, but that is clearly disclosed by Lambert. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Lambert's transparent keypad disposed over a display to concurrently acquire a secret number and a fingerprint based on designated coordinates as taught by Fitzpatrick in order to provide a secure, user-friendly system using touch screen technology to capture and recognize fingerprints (column 1, line 59-67) as well as a secret number (password) as taught by Lambert.

On page 4, first paragraph with respect to claim 1, applicant states, "as indicated in the Office Action, Lambert fails to teach a display means having a display surface with orthogonal coordinates thereon that concurrently acquire a password and a fingerprint. Neither Fitzpatrick and Fernando make up for the deficiency of Lambert." The examiner respectfully disagrees. Fitzpatrick has been discussed above. As indicated by the applicant, Fernando shows a touch sensitive screen showing a numeric keypad (Figure 3). If there was any doubt that Lambert's transparent keypad is disposed over a display, Fernando explicitly discloses a virtual keypad 420 disposed over a liquid crystal display (LCD 50) and target areas (number keys) may be pressed using either a finger or a pen 60 (column 11, line 28-35). Once again, the examiner realizes that Fernando does not disclose that the display means concurrently acquires a secret number and a fingerprint, but that is shown by Lambert. It would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain coordinates related to a secret number (PIN) as well as fingerprints as taught by Fernando in order to provide a user-friendly touch screen PIN input including security beyond that associated with PIN identification since PINs can easily be lost or compromised (column 1, line 52-57) and to provide a product and system such as a point of sale (POS) terminal that can interface with a variety of input/output devices and other peripheral devices such as a fingerprint reader (column 2, line 7-22).

On page 5, last paragraph with respect to claim 6, applicant states, "Matsumura's password is not based on a designated coordinate and the designated coordinate is not related to fingerprint reading. Thus, Matsumura does not teach wherein the control means activates the fingerprint verification means upon matching of a secret number acquired based on designated coordinates, in the context claimed." The examiner respectfully disagrees. Claim 6 recites, "The information processing apparatus of claim 1, wherein the control means activates the fingerprint verification means when the secret numbers match each other." The claim does not contain any mention of designated coordinates; therefore Matsumura has not been relied upon in that respect. See above discussion of claim 1 with respect to coordinate designation.

On page 6, third paragraph with respect to claim 7, applicant states, "Applicants submit that Angelo fails to make up for the deficiency of Lambert, Fitzpatrick or Fernando." See above discussion with respect to claim 1.

On page 7, first paragraph with respect to claims 8-10 and 14, applicant states, "Shieh fails to make up for the deficiency of Fitzpatrick of failing to teach a secret number acquiring means, secret number identifying means, and control means." See above discussion with respect to claim 1.

Applicant's arguments on page 7, last paragraph, with respect to claim 14 have been fully considered and are persuasive. The 35 U.S.C. 103(a) rejection of claim 14 has been withdrawn.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.